

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	
)	Chapter 11
)	
SORRENTO THERAPEUTICS, INC., <i>et al.</i> ¹)	Case No. 23-90085 (CML)
)	
Debtors.)	(Jointly Administered)
)	Related Docket Nos.
)	178, 335, 522

NOTICE OF EXCESS FEES FOR FB RICE PTY LIMITED

PLEASE TAKE NOTICE that on March 9, 2023, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the *Debtors’ Motion for Entry of an Order Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Course of Business* [Docket No. 178] (the “OCP Motion”) with the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that on April 4, 2023, the Bankruptcy Court entered an order [Docket No. 335] (the “OCP Order”)² granting the relief requested in the OCP Motion.

PLEASE TAKE FURTHER NOTICE that on April 24, 2023, FB Rice Pty Limited (“FB Rice”) filed the *Declaration of Disinterestedness of FB Rice Pty Limited Pursuant to the Order Authorizing the Retention and Compensation of Certain Professionals Utilized in the*

¹ The Debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity’s federal tax identification number, are: Sorrento Therapeutics, Inc. (4842) and Scintilla Pharmaceuticals, Inc. (7956). The Debtors’ service address is: 9380 Judicial Drive, San Diego, CA 92121.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the OCP Motion or the OCP Order, as applicable.

Ordinary Course of Business [Docket No. 522] (the “FB Rice Declaration of Disinterestedness”).

No objections to the FB Rice Declaration of Disinterestedness were received.

PLEASE TAKE FURTHER NOTICE that, pursuant to the OCP Order, the fees of FB Rice, as set forth in Exhibit 1 to the OCP Order, could not exceed \$5,000.00 per month (the “OCP Cap”).

PLEASE TAKE FURTHER NOTICE that pursuant to paragraph 1(f) of the OCP Order, to the extent an OCP seeks compensation in excess of the applicable OCP Cap, such OCP shall file and serve on the OCP Notice Parties a notice of fees in excess of the OCP Cap (a “Notice of Excess Fees”) and an invoice setting forth, in reasonable detail, the nature of the services rendered and disbursements actually incurred. Following service of the Notice of Excess Fees, interested parties shall have fourteen days to object to the Notice of Excess Fees with the Bankruptcy Court. If after fourteen days no objection is filed, the Excess Fees (as defined below) shall be deemed approved, and the OCP may be paid 100% of its fees and 100% of its expenses without the need to file a fee application.

PLEASE TAKE FURTHER NOTICE that FB Rice exceeded the OCP Cap for the month ending September 30, 2023 (the “Excess Fee Period”) for which FB Rice sought \$2,516.00 in excess of the OCP Cap (the “Excess Fees”). In accordance with the procedures set forth above, FB Rice’s invoices for the Excess Fee Period are attached hereto as Exhibit A. The invoices detail the nature of the services rendered and the fees and expenses incurred by FB Rice in connection with the Excess Fee Period.

PLEASE TAKE FURTHER NOTICE that if no objections to this Notice of Excess Fees are received on or prior to **January 30, 2024**, the Excess Fees shall be deemed approved.

Dated: January 16, 2024

/s/ Kristhy M. Peguero

JACKSON WALKER L.L.P.

Matthew D. Cavanaugh (TX Bar No. 24062656)

Kristhy M. Peguero (TX Bar No. 24102776)

Genevieve M. Graham (TX Bar No. 24085340)

1401 McKinney Street, Suite 1900

Houston, Texas 77010

Telephone: (713) 752-4200

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Email: mcavanaugh@jw.com

kpeguero@jw.com

ggraham@jw.com

– and –

Caroline Reckler (S.D. Tex. Bar No. IL6275746)

Ebba Gebisa (admitted *pro hac vice*)

Jonathan Gordon (admitted *pro hac vice*)

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800

Chicago, IL 60611

Telephone: (312) 876-7700

Facsimile: (312) 993-9667

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ebba.gebisa@lw.com

jonathan.gordon@lw.com

– and –

Jeffrey E. Bjork (admitted *pro hac vice*)

Kimberly A. Posin (admitted *pro hac vice*)

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100

Los Angeles, CA 90071

Telephone: (213) 485-1234

Facsimile: (213) 891-8763

Email: jeff.bjork@lw.com

kim.posin@lw.com

Counsel to the Debtors

Certificate of Service

I certify that on January 16, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Kristhy M. Peguero

Kristhy M. Peguero

Exhibit A

FB Rice Invoices

FB RICE**TAX INVOICE 5421152**

Invoice Date: 13 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: SofusaMigraine-AU - BB 087735.0397
 Our Ref: 200565AU
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Office use only - Delivery Instructions:

Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

Sorrento Therapeutics, Inc.
 Australian Patent Application 2017376502
 National Phase of PCT/US2017/064657
 Entitled: Method for administering a medicament suitable
 for treating a migraine or cluster headache

	Amount
Professional Fees	
Administrative charges reviewing file and send reminder (Jennifer Scouller; 31 January 2023)	\$21.00
Attorney time preparing response to office action (Faran Ward; 11 September 2023)	\$1,116.00
Partner review and approval of response to Office Action (Rachel Hooke 12 September 2023)	\$174.00
Administrative charges receiving your instructions to respond to an examination report including paralegal time collating and filing a response with the Australian Patent Office; reporting to you and updating our database accordingly (12 September 2023):	\$115.00
Disbursements and Other Costs	
Document production and communication charges (12 September 2023):	\$30.00
Total Due (in United States Dollars):	<u><u>\$1,456.00</u></u>

Author=REH;Raised By=JVS;Signatory=REH

Bank:	National Australia Bank Limited	Level 23, 44 Market Street	Tel +61 2 8231 1000
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Sydney	Fax +61 2 8231 1099
Account Name:		NSW 2000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd	ABN 70 618 431 851
Swift:			

FB RICE**TAX INVOICE 5422100**

Invoice Date: 26 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: Your Ref: SofusaCartridge-AU.D2 87735.0517
 Our Ref: 200572AU01
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Office use only - Delivery Instructions:

Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

Sorrento Therapeutics, Inc.
 Australian Patent Application 2021203583 (Divisional of AU
 2020200628)
 Entitled: Cartridge portion of transdermal drug delivery
 apparatus and methods

	Amount
Professional Fees	
Administrative charges reviewing file and send reminder (Jennifer Scouller; 7 February 2023)	\$21.00
Attorney time preparing response to office action (Faran Ward; 25 September 2023)	\$540.00
Administrative charges receiving your instructions to respond to an examination report including paralegal time collating and filing a response with the Australian Patent Office; reporting to you and updating our database accordingly (25 September 2023):	\$438.00
Disbursements and Other Costs	
Document production and communication charges (25 September 2023):	\$30.00
Total Due (in United States Dollars):	<u>\$1,029.00</u>

Author=REH;Raised By=JVS;Signatory=REH

Bank:	National Australia Bank Limited	Level 23, 44 Market Street	Tel +61 2 8231 1000
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Sydney	Fax +61 2 8231 1099
Account Name:		NSW 2000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd	ABN 70 618 431 851
Swift:			

FB RICE**TAX INVOICE 5420834**

Invoice Date: 07 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: ACFAM05-AU
 Our Ref: 537746AU
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Office use only - Delivery Instructions:

Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

ACEA Therapeutics, Inc., Hangzhou ACEA Pharmaceutical
 Research Co., Ltd., Zhejiang ACEA Pharmaceuticals Co., Ltd.
 Australian Patent Application 2018436086
 National Phase of PCT/CN2018/099535
 Entitled: Process for manufacture of (S)-N-(3-((2-((1-
 acetylpyrrolidin-3-
 yl)(methyl)amino)phenyl)amino)-5-methoxypyrimidin-4-
 yl)oxy)
 phenyl)acrylamide, and formulations thereof

Professional Fees

Receive your instructions to respond to the second examination report, enter into our docketing system, prepare draft response documents and second statement of proposed amendments; review proposed claim amendments; amend claims to conform to pending EP claims, including further claim amendments under Australian practice; draft response to Examination Report; correspondence with instructor regarding further claim amendments; review and finalise response documents before filing; attend to filing response with the Australian Patent Office and report our actions (7 September 2023):

Amount**\$1,488.00****Total Due (in United States Dollars):****\$1,488.00**

Author=SSS;Raised By=CXR;Signatory=CXP

Bank:	National Australia Bank Limited	Level 33, 477 Collins Street	Tel +61 3 8618 4100
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Melbourne	Fax +61 3 8618 4199
Account Name:		VIC 3000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd ABN 70 618 431 851	
Swift:			

FB RICE**TAX INVOICE 5421356**

Invoice Date: 15 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: RTXformula-AU
 Our Ref: 531926AU
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Sorrento Therapeutics, Inc.
 Australian Patent Application 2018327301
 National Phase of PCT/IB2018/056944
 Entitled: Formulation of resiniferatoxin

Office use only - Delivery Instructions:

Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

	Amount
Professional Fees	
Receive an examination report and forward without comment (14 September 2023):	\$300.00
Total Due (in United States Dollars):	\$300.00

Author=CXP;Raised By=WXM;Signatory=CXP

Bank:	National Australia Bank Limited	Level 33, 477 Collins Street	Tel +61 3 8618 4100
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Melbourne	Fax +61 3 8618 4199
Account Name:		VIC 3000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd ABN 70 618 431 851	
Swift:			

FB RICE**TAX INVOICE 5421875**

Invoice Date: 22 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: PDL1-2-NZ
 Our Ref: 528720NZ
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Office use only - Delivery Instructions:

Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

Sorrento Therapeutics, Inc.
 Assignment from Heyue Zhou.
 New Zealand Patent Application 745357
 AND
 New Zealand Patent Application 784454
 Entitled: Antigen binding proteins that bind PD-L1

	Amount
Professional Fees	
Preparation and filing of assignment recordal documents (15 September 2023):	\$680.00
Total Due (in United States Dollars):	\$680.00

Author=CXP;Raised By=WXM;Signatory=CXP

Bank:	National Australia Bank Limited	Level 33, 477 Collins Street	Tel +61 3 8618 4100
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Melbourne	Fax +61 3 8618 4199
Account Name:		VIC 3000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd	ABN 70 618 431 851
Swift:			

FB RICE**TAX INVOICE 5421887**

Invoice Date: 22 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: ACFAM05-AU
 Our Ref: 537746AU
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

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 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

ACEA Therapeutics, Inc., Hangzhou ACEA Pharmaceutical
 Research Co., Ltd., Zhejiang ACEA Pharmaceuticals Co., Ltd.
 Australian Patent Application 2018436086
 National Phase of PCT/CN2018/099535
 Entitled: Process for manufacture of (S)-N-(3-((2-((1-acety

	Amount
Professional Fees	
Monitoring status of application; Reporting informal acceptance to client; Receive, check and forward Notice of Acceptance, pay acceptance fee, watch for issuance of the Certificate of Grant and subsequently check and forward the Certificate (21 September 2023):	\$730.00
Disbursements and Other Costs	
Acceptance Fee (21 September 2023):	\$170.00
Total Due (in United States Dollars):	\$900.00

Author=SSS;Raised By=SSS;Signatory=CXP

Bank:	National Australia Bank Limited	Level 33, 477 Collins Street	Tel +61 3 8618 4100
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Melbourne	Fax +61 3 8618 4199
Account Name:		VIC 3000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd	ABN 70 618 431 851
Swift:			

FB RICE**TAX INVOICE 5423382**

Invoice Date: 06 October 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: PDL1-2-AU
 Our Ref: 528720AU
 Client Number: 715204

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

Sorrento Therapeutics, Inc.
 Australian Patent Application 2017212717
 National Phase of PCT/US2017/015429
 Entitled: Antigen binding proteins that bind PD-L1

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Email - Accounting (715204)
 (accounting@sorrentotherapeutics.com)
 Email Copy - Sorrento IP Mailbox (715204)
 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

Professional Fees

Receive your instructions to respond to an examination report, review the specification to address the support objections, amend the claim set, prepare and file a response and report our actions (27 September 2023):

Amount**\$1,255.00****Total Due (in United States Dollars):****\$1,255.00**

Author=CXP;Raised By=WXM;Signatory=CXP

Bank:	National Australia Bank Limited	Level 33, 477 Collins Street	Tel +61 3 8618 4100
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Melbourne	Fax +61 3 8618 4199
Account Name:		VIC 3000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd ABN 70 618 431 851	
Swift:			

FB RICE**TAX INVOICE 5422385**

Invoice Date: 27 September 2023

Page: 1

Please quote the above number when making payment or if you have any queries

Your Ref: SofusaMigraine-AU - BB
 Our Ref: 087735.0397 cc715204
 Client Number:

Sorrento Therapeutics, Inc.
 Attention: Accounting (715204)
 4955 Directors Place
 San Diego CA 92121
 United States of America

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 (IP@sorrentotherapeutics.com)
 Email SEPARATE to correspondence

Sorrento Therapeutics, Inc.
 Australian Patent Application 2017376502
 National Phase of PCT/US2017/064657
 Entitled: Method for administering a medicament suitable
 for treating a migraine or cluster headache

	Amount
Professional Fees	
Receive, check and forward Notice of Acceptance, pay acceptance fee, watch for issuance of the Certificate of Grant and subsequently check and forward the Certificate (27 September 2023):	\$680.00
Disbursements and Other Costs	
Acceptance Fee (27 September 2023):	\$169.00
Document production and communication charges (27 September 2023):	\$30.00
Total Due (in United States Dollars):	\$879.00

Author=REH;Raised By=REH;Signatory=REH

Bank:	National Australia Bank Limited	Level 23, 44 Market Street	Tel +61 2 8231 1000
Branch:	500 Bourke Street, Melbourne, Victoria 3000, Australia	Sydney	Fax +61 2 8231 1099
Account Name:		NSW 2000	AR@fbrice.com.au
Account Number:		Australia	
BSB:		FB Rice Pty Ltd	ABN 70 618 431 851
Swift:			